

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS E. HORNISH AND SUZANNE J.
HORNISH JOINT LIVING TRUST, TRACY
AND BARBARA NEIGHBORS, ARUL
MENEZES AND LUCRETIA
VANDERWENDE, LAKE SAMMAMISH 4257
LLC, HERBERT MOORE AND ELYNNE
MOORE, AND EUGENE MOREL AND
ELIZABETH MOREL,

Plaintiffs,

v.

KING COUNTY, a home rule charter county,

Defendant.

No. 2:15-cv-00284-MJP

**JUDGMENT QUIETING TITLE TO
KING COUNTY**

This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

The Court granted summary judgment to Defendant King County in accordance with the April 20, 2016 Order on the Parties' Cross-Motions for Summary Judgment. The Plaintiffs' August 14, 2015 Amended Complaint is DISMISSED in its entirety, with prejudice. King County's counterclaims for a declaratory judgment and quiet title are GRANTED.

1 It is hereby ORDERED:

2 1. King County is granted a decree quieting title free and clear from all claims by the
3 Plaintiffs and/or their successors in interest to any portions of the land conveyed by the September
4 18, 1998 quit claim deed from The Land Conservancy to King County (recording No.
5 9809181252), which is attached as **Exhibit A** to this judgment. The Plaintiffs, King County, and
6 their successors in interest shall recognize in perpetuity the boundary lines described in Exhibit A.

7 2. Title is quieted confirming that King County owns a fee interest in the portions of
8 the property described in Exhibit A that are derived from the May 9, 1887 deed from Bill and Mary
9 Hilchkanum to the Seattle, Lake Shore and Eastern Railway, which is attached as **Exhibit B** to this
10 judgment. Consistent with the boundaries of the property conveyed by the Hilchkanum Deed, King
11 County owns a fee interest in all portions of Government Lots 1, 2, and 3 of Section 6,
12 Township 24 N, Range 6 E that are described in Exhibit A.

13 3. Title is quieted confirming that King County owns a prescriptive easement in the
14 portions of the property described in Exhibit A that are derived from the August 26, 1889 deed from
15 the Northern Pacific Railway Company to Samuel Middleton (recording No. 44096), which is
16 attached as **Exhibit C** to this judgment. Consistent with the boundaries of the property conveyed
17 by the Middleton Deed, King County owns an easement interest in all portions of Government Lot
18 2 of Section 7, Township 24 N, Range 6 E and Government Lots 1 and 3 of Section 17, Township
19 24 N, Range 6 E that are described in Exhibit A. King County is entitled to exercise its easement
20 rights in any manner consistent with the April 20, 2016 Order.

1 This order constitutes a final judgment resolving all remaining issues in this case.

2 DATED this _13th_ day of _May_, 2016.

3
4
5 

6 Marsha J. Pechman
7 United States District Judge

8 Presented by:

9 DANIEL T. SATTERBERG
10 King County Prosecuting Attorney

11 By: s/ David J. Hackett
12 DAVID HACKETT, WSBA #21236
Senior Deputy Prosecuting Attorney

13 By: s/ H. Kevin Wright
14 H. KEVIN WRIGHT, WSBA #19121
Senior Deputy Prosecuting Attorney

15 By: s/ Peter G. Ramels
16 PETER G. RAMELS, WSBA #21120
Senior Deputy Prosecuting Attorney

17 By: s/ Barbara Flemming
18 BARBARA A. FLEMMING, WSBA #20485
19 Senior Deputy Prosecuting Attorney

20 King County Prosecuting Attorney's Office
21 500 Fourth Ave., 9th Floor
Seattle, WA 98104
22 Telephone: (206) 296-8820 / Fax: (206) 296-8819
Email: david.hackett@kingcounty.gov
23 kevin.wright@kingcounty.gov
pete.ramels@kingcounty.gov barbara.flemming@kingcounty.gov
24

By: s/ Emily J. Harris

EMILY J. HARRIS, WSBA #35763

DAVID I. FREEBURG, WSBA #48935

Special Deputy Prosecuting Attorneys

Corr Cronin Michelson

Baumgardner Fogg & Moore LLP

1001 Fourth Avenue, Suite 3900

Seattle, WA 98154

Telephone: (206) 625-8600 / Fax: (206) 625-0900

Email: eharris@corrchronin.com

dfreeburg@corrchronin.com

Attorneys for Defendant King County